

House Resolution 1054

By: Representatives Day of the 163rd, Hill of the 180th, Rogers of the 26th, Stephens of the 164th, and Carter of the 159th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to
2 provide for the payment of just and adequate compensation with respect to the inverse
3 condemnation of private property; to provide for the submission of this amendment for
4 ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Article I, Section III, Paragraph I of the Constitution is amended by adding a new
8 subparagraph at the end thereof to be designated subparagraph (f) to read as follows:

9 "(f) Notwithstanding any other provision of the Constitution, the General Assembly may
10 provide by general law for the payment of just and adequate compensation with respect to
11 the inverse condemnation of private property when a taking of private property has
12 occurred without condemnation proceedings having been instituted. Such general law may
13 specify the types of inverse condemnors as any governmental entity or person which is
14 authorized to exercise the right or power of condemnation. Such general law may define
15 the scope of actions which shall constitute a taking for purposes of this subparagraph. Such
16 general law shall specify the actions which constitute a taking. Such actions may include,
17 but shall not be limited to, a permanent physical occupation of such property, actual
18 interference with or disturbance of property rights, or regulatory actions which impair the
19 use of property or deny, in whole or in part, economically beneficial or productive uses."

SECTION 2.

21 The above proposed amendment to the Constitution shall be published and submitted as
22 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
23 above proposed amendment shall have written or printed thereon the following:

1 "() YES Shall the Constitution of Georgia be amended so as to authorize the General
2 Assembly to provide for the payment of just and adequate compensation
3 () NO with respect to the inverse condemnation of private property?"

4 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
5 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
6 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
7 become a part of the Constitution of this state.